

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
	)	
W.R. Grace & Co., et al.,	)	Case No. 01-01139 (JKF)
	)	(Jointly Administered)
Debtors.	)	
	)	

CLAIMANTS STATE OF WASHINGTON (CLAIMANT #s 6937, 6938, 6939, 6940, 6941, 6942, 6943 and 6944) PRELIMINARY DESIGNATION OF FACT AND EXPERT WITNESSES REGARDING PRODUCT IDENTIFICATION, LIMITATIONS PERIODS AND THE LIBBY ISSUE AS DESCRIBED IN THE FIFTEENTH OMNIBUS OBJECTION

State of Washington Claimants (claimant #6937, Capitol General Administration Building, Capitol Complex, Olympia, WA 98504; claimant #6938, Community College, 20212 68<sup>th</sup> Avenue West, Lynnwood, WA 98036; claimant #6939, University Central Building, WSU Kruegel McAllister Central, Stadium Way, Pullman, WA 99164; claimant #6940, University Annex Building, WSU Johnson Hall & Annex, Wilson Woad, Pullman, WA 99164; claimant #6941 University Theatre Building, WSU Daggy Hall, Blds. #0803, College Avenue, Pullman, WA 99164, claimant #6942, University Materials Research Building, WSU Dana Hall, Bldg. #0056, Spokane Street, Pullman, WA 99164; claimants #6943, University Performing Arts Center, WSU Beasley Performing Arts Coliseum, Pullman, WA 99164; claimant #6944, University Laboratory Spaces, WSU McCoy Hall, Bldg. #0044, Stadium Way, Pullman, WA 99164) submits this preliminary designation of fact and expert witnesses regarding Product Identification, Limitations Periods and the Libby Issue as described in the Fifteenth Omnibus Objections.

The following fact witnesses may testify to the presence and location of asbestos containing products including those manufactured by Grace. They may testify as to the states involvement in testing, surveying, abating, installing and monitoring asbestos containing products. These witnesses may testify to any or all of the State of Washington claimants filing claims against Debtor.

EV Davis, Director of Facilities  
Operations  
Washington State University

Chris Baylon, Industrial Hygienist  
WSU

Dwight Hagihara, Director Env. Health  
WSU

Russ Schaff, Facility Health & Safety  
Coordinator  
WSU

Jim Lukehart  
Asbestos Coordinator UW Facilities

Dave Leonard  
University of Washington

Tom Henderson  
Re: Community Colleges

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Specifically, in addition to witnesses identified above specific witnesses may testify to specific buildings including, but not limited to:

**Claimant #6937- Capitol Complex**

Northwest Environmental Services, Inc.  
Maritime Building  
911 Western Avenue  
Seattle, WA 98104

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Tim Odgen  
Stephen E. Minassian  
Project Managers  
PBS Environmental

Conducted asbestos surveys of buildings and may testify to the location, placement, condition, identify, sampling and abatement of asbestos containing products.

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David Olsen  
CIH, CSP, MS  
Olsen Consulting

Conducted asbestos surveys of buildings and may testify to the location, placement, condition, identify, sampling and abatement of asbestos containing products.

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**Claimant #6938-COMMUNITY COLLEGE**

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and testify to the location, placement, condition, sampling and abatement of asbestos containing products.

Sherry E. Paulus  
Certified Environmental Specialists  
Blue Ridge Associates, Inc.  
P.O. Box 141386  
Spokane, WA 99214

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Kenneth T. White

MS, MBA (MM), Gen. Man, CIH, CSP  
Environmental Hazards Services, LLC  
7469 White Pine Road  
Richmond, VA 23237

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Howard Varner  
Laboratory Director  
Environmental Hazards Services, LLC  
7469 White Pine Road  
Richmond, VA 23237

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Irma Fuszweski  
Quality Assurance  
Environmental Hazards Services, LLC  
7469 White Pine Road  
Richmond, VA 23237

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David Ux  
Ms. Senior Chemist  
Environmental Hazards Services, LLC  
7469 White Pine Road  
Richmond, VA 23237

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Feng Jiang  
MS Senior Geologist  
Environmental Hazards Services, LLC  
7469 White Pine Road  
Richmond, VA 23237

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P.A. Snoboda  
Environmental Health Sciences  
NHS, Inc.  
805 Goethals Drive

Richland, VA 99352

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M.K. Hamilton  
CIH and Laboratory Director  
Environmental Health Sciences  
NHS, Inc.  
805 Goethals Drive  
Richland, VA 99352

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Glenn Johnson  
Environmental Services Manager  
State of Washington  
Bureau Facility Management  
OB-2 PA-11  
Olympia, WA 98504

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Stanley Bibby  
Vessel Construction Manager  
Washington State Dept. of Transportation  
Marine Division  
Washington State Ferries  
801 Alaskan Way  
Seattle, WA 98104-1487

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Larry Schultz  
Architect/Project Manager

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Central Associates Inc.  
Consulting Engineers

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Mitchell Nelson  
Manager  
Washington State Dept of Transportation  
Asbestos Abatement Program

602- 93<sup>rd</sup> Street, SW  
Everett, WA 98204

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Amtest, Inc.  
14603 N.E. 87<sup>th</sup>  
Redmond, WA 98053

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John E. Miller, Chair  
Asbestos Abatement Committee  
WSU  
Safety Division  
Pullman, WV 99164-7300

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David L. Smith  
Senior Architect  
WSU  
Dept. of Facilities Planning  
Pullman, WA 99164-1010

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Brian Riley  
DCF  
Environmental Services Group

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**Claimant #6940- WSU JOHNSON HALL & ANNEX**

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Environmental Hazards Services  
391 Eastlick  
Pullman, WA 99164

**Claimant # 6943- UNIVERISTY PERFORMING ARTS CENTER**

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Rex Swartz  
Asst. Safety Officer  
Beasley Performing Arts Center  
Washington Department of Transportation

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J. Bruce Thoreen  
EPA Accredited Building Inspector  
Hazcon, Inc.  
4636 E. Marginal Way  
Seattle, WA 98134

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Michael L. Kato  
Hazcon, Inc.  
4636 E. Marginal Way  
Seattle, WA 98134

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Michael W. Krauze  
CIH, Vice President  
Hazcon, Inc.  
4636 E. Marginal Way  
Seattle, WA 98134

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Mike Parrish  
Analyst  
Hazcon, Inc.  
4636 E. Marginal Way  
Seattle, WA 98134

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Barbara Gloyd  
Analyst  
Hazcon, Inc.  
4636 E. Marginal Way  
Seattle, WA 98134

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George Li  
Analyst  
Environmental Health Services  
391 Eastlick  
Pullman, WA 99164

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Michael Smith  
Analyst  
ALPHA Engineering Group, Inc.  
17<sup>th</sup> Avenue, SE #301  
Bothell, WA 98021

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Victor Mshar  
Superintendent  
ALPHA Engineering Group, Inc.  
17<sup>th</sup> Avenue, SE #301  
Bothell, WA 98021

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Donald S. Peterson  
John Graham and Company  
1426 Fifth Avenue  
Seattle, WA 98101

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Keith Robinson  
Environmental Hazards Services, Inc.  
7469 White Pine Road  
Richmond, VA 23237

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L. Miller-Buie  
Senior Geologist  
Environmental Hazards Services, Inc.  
7469 White Pine Road  
Richmond, VA 23237

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Jim Crow  
Washington State University  
Director of the Coliseum

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Bruce Benson  
Department of Physical Plant  
Washington State University  
Pullman, WA 99164

Don Hemovich, PE  
Manager  
Department of Hazardous Materials

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Larry L. Lockrem  
Westinghouse Environmental Systems and Systems  
1234 Columbia Drive  
Richland, WA 99352

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**Claimant # 6944-WSU McCOY HALL BLDG. #0044**

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Howard Varner

Laboratory Director  
Environmental Hazards Services LLC  
7469 White Pine Road  
Richmond, VA 23237

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**Claimant #6941- WSU DAGGY HALL BLDG. #0803**

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Larry Bailey  
WSU Safety  
Safety Officer

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**Claimant #6942-DANA HALL BLDG #0056**

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Environmental Hazards Services LLC  
7469 White Pine Road  
Richmond, VA 23237

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**Claimant #6939-WSU KRUEGEL McALLISTER CENTRAL**

The following additional fact witnesses may also testify to their participation and involvement in the asbestos surveys and to the location, placement, condition, sampling and abatement of asbestos containing products:

Environmental Hazards Services, Inc.  
7469 White Pine Road  
Richmond, VA 23237

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Claimants hereby incorporate by reference as if fully contained herein any experts or lay witnesses filed by any other property damage claimants regarding Grace's constructive or active notice objections. Claimants may call the following experts to testify regarding issues involving construction or inquiry notice. The following experts may also testify that air monitoring or dust sampling is not always necessary to make rational judgments about appropriate actions to be taken when friable asbestos containing materials are identified in a building. They may also testify that some abatement decisions can responsibly be made on the basis of visual inspections.

Henry A. Anderson, MD  
Laura S. Welch, MD  
William M. Ewing  
Dr. William Longo, PhD.

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Dr. William Longo, Ph.D.  
Materials Analytical Services  
3945 Lakefield Court  
Suwanee, GA 30024

Dr. William Longo is the President of Materials Analytical Services, Inc. in Suwanee, Georgia. Dr. Longo will specifically testify to the identification of W.R. Grace's products. Dr. Longo has conducted extensive research with asbestos-containing materials and various methods for analysis of asbestos fibers. As a microscopist, his research included analysis of asbestos fibers in settled dust and the potential for asbestos

fibers to be released from various asbestos-containing materials. He may also testify to the use or lack of air samples in assessing building owners' decisions to maintain or abate asbestos containing materials. He will also testify to various bulk samples collected from buildings at issue and identify those products or W.R. Grace/Zonolite products. Dr. Longo has also conducted research on the mineral fiber content of lung tissue with environmental exposures of asbestos, including household contracts and building occupants.

Dr. Longo is expected to testify regarding his work with asbestos and his analytical methods of analyzing asbestos fibers in lung tissue and various building or industrial products. He may testify and offer opinions concerning whether specific types of Grace asbestos-containing products have a potential to release respirable asbestos fibers. He may also testify and show video tapes concerning fiber release simulations and experiments.

Claimants reserve the right to name or incorporate herein all W.R. Grace witnesses to authenticate any documents attached to Claimants filings for identification of W.R. Grace products or documents relative to W.R. Grace objections based on actual or constructive knowledge.

Claimants incorporate herein any and all chain of custody witnesses as they relate to bulk, dust and air sample collections, surveys and analysis.

Claimants incorporate herein any and all persons who were involved in collection of bulk of air or dust samples, the analysis of such and persons if not specifically identified above involved in conducting, supervising or analyzing asbestos surveys.

Claimants hereby incorporate witnesses listed above may testify to issues surrounding actual notice in regards to the statute of limitations. Claimants may identify additional witnesses with particular facts that contradict Grace's objections on statute of limitations grounds.

Claimants reserve the right to identify additional fact witnesses involved in the installation of W.R. Grace products.

Dated: November 6, 2006

/s/ Laurie Schenker Polleck

Laurie Schenker-Polleck (DE No. 4300)  
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Wilmington, Delaware 19801  
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Facsimile: (302) 351-8010  
Email: [lpolleck@jshllp-de.com](mailto:lpolleck@jshllp-de.com)

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Anne McGinness Kearse  
**MOTLEY RICE LLC**  
28 Bridgeside Blvd.  
P.O. Box 1792  
Mount Pleasant, SC 29465  
Telephone: (843) 216-9140  
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E-mail: [akearse@motleyrice.com](mailto:akearse@motleyrice.com)

Co-Counsel for Motley Rice LLC Claimants